

BILL NO. 93-59

AS AMENDED

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 93-59 (as amended)

Introduced by Council Member Wagner and Council Member Glassman

Legislative Day No. 93-21 Date August 10, 1993

AN ACT to propose an amendment to Article III, Executive Branch, and to Article IV, Administrative Organization, of the Harford County Charter, by repealing and reenacting, with amendments, Section 313, Administrative Appointments, and Section 402, Agencies of the Executive Branch, and by adding new Section 410A, Police Department; to establish a police department as an agency of the executive branch; to require that the County Council establish by law the duties, powers, and functions of the department; to provide that the department will be administered by a chief of police, whose qualifications will be established by law; to provide that the chief may be dismissed only for cause; to establish the procedure by which the chief may be removed; to provide that the chief will have other duties as assigned by law or the county executive; and to require submission of this amendment to the legally qualified voters of Harford County for their acceptance or rejection, in accordance with Section 905 of the Harford County Charter.

By the Council, August 10, 1993

Introduced, read first time, ordered posted and public hearing scheduled  
on: September 8, 1993 at C.M. Wright High School  
at: 6:00 p.m.

By Order: James D. Vannoy, Acting Secretary

#### PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on September 8, 1993, and concluded on, September 8, 1993

James D. Vannoy  
Acting Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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WHEREAS, The County Executive is proposing legislation to  
1 create a County Police Department to take over most law enforcement  
2 duties now exercised by the Harford County Sheriff's Office; and

3 WHEREAS, There is already considerable controversy over this  
4 proposal, including disagreement over whether the cost of creating  
5 a new police department would be \$279,000, as the Administration  
6 has estimated, or close to \$1,000,000, as others have estimated;  
7 and

8 WHEREAS, The sponsors of this Act have been contacted by  
9 countless citizens who wish to have the opportunity to vote on the  
10 issue of whether the County should create its own police  
11 department; and

12 WHEREAS, The sponsors of this Act believe that the registered  
13 voters of Harford County should vote on the issue of a County  
14 police department, and wish to allow a vote on the matter without  
15 requiring the citizens to go to the time, trouble, and expense of  
16 petitioning the County Executive's legislation to referendum, in  
17 the event that her legislation is enacted;

18 NOW, THEREFORE,

19 Section 1. Be It Enacted By The County Council of Harford  
20 County, Maryland, That Section 313, Administrative Appointments,  
21 of Article III, Executive Branch, and Section 402, Agencies of the  
22 Executive Branch, of Article IV, Administrative Organization, be,  
23 and ~~it is~~ they are hereby, repealed and reenacted with amendments,  
24 and that new Section 410A, Police Department, be, and it is hereby,  
25 added to Article IV, Administrative Organization, all of the  
26 Harford County Charter, as amended, to read as follows:

Article III. Executive Branch.

Section 313. Administrative Appointments. The County Executive shall appoint a single officer to head each agency of the Executive Branch, subject to confirmation by the Council, as required by Section 223 of this Charter, and EXCEPT FOR THE CHIEF OF POLICE, WHO MAY BE REMOVED ONLY IN ACCORDANCE WITH SECTION 410A OF THIS CHARTER, EACH such officer may be removed at the discretion of the County Executive. Within six months after each election for County Executive, the County Executive shall appoint for confirmation or reconfirmation, as the case may be, all heads of each agency of the Executive Branch as defined by Section 402 and shall also appoint the members of all boards and commissions in the Executive Branch, except as otherwise provided for by law, subject to confirmation by the Council as required by Section 223 of this Charter, and may remove the same in accordance with this Charter or other applicable law. All employees of the Executive Branch, other than those specifically provided for in this Charter, shall be appointed and removed by the heads of the several agencies of the County government in accordance with the provisions of the County personnel law. The Council shall have the power to approve those persons assigned by the Executive Branch to the Council to support it in the exercise and performance of its duties, powers, and functions.

Article IV. Administrative Organization.

Section 402. Agencies of the Executive Branch.

1 In the Executive Branch of the County government there shall be a  
2 Department of Law, a Department of the Treasury, a Department of  
3 Planning and Zoning, a Planning Advisory Board, a Department of  
4 Public Works, a Public Works Advisory Board, a Department of Parks  
5 and Recreation, a Parks and Recreation Advisory Board, A POLICE  
6 DEPARTMENT, a Human Relations Commission, a Personnel Advisory  
7 Board, and any other agencies established by law.

8 SECTION 410A. POLICE DEPARTMENT.

9 (a) BY JULY 1, 1995, THE COUNCIL SHALL ESTABLISH BY LAW THE  
10 DUTIES, POWERS, AND FUNCTIONS OF A COUNTY POLICE DEPARTMENT. THE  
11 LAW SHALL PROVIDE THAT ALL POLICE DEPARTMENT PERSONNEL SHALL BE  
12 COUNTY EMPLOYEES AND SHALL PROHIBIT ANY INVOLUNTARY REDUCTION,  
13 EXCEPT FOR CAUSE, IN THE BENEFITS OR COMPENSATION RECEIVED AS OF  
14 NOVEMBER 1, 1994, BY EMPLOYEES OF THE HARFORD COUNTY SHERIFF'S  
15 OFFICE WHO ARE PLACED IN THE POLICE DEPARTMENT ON OR BEFORE JULY  
16 1, 1995.

17 (b) THE POLICE DEPARTMENT SHALL BE ADMINISTERED BY THE CHIEF  
18 OF POLICE. THE COUNCIL SHALL ESTABLISH BY LAW THE QUALIFICATIONS  
19 FOR THE POSITION OF CHIEF OF POLICE SHALL BE ESTABLISHED BY LAW.  
20 THE CHIEF OF POLICE SHALL HAVE SUCH OTHER DUTIES AS MAY BE PROVIDED  
21 FROM TIME TO TIME BY DIRECTIVE OF THE COUNTY EXECUTIVE OR BY  
22 LEGISLATIVE ACT OF THE COUNTY COUNCIL NOT INCONSISTENT WITH THIS  
23 CHARTER.

24 (c) THE COUNTY EXECUTIVE MAY REMOVE THE CHIEF OF POLICE WITH  
25 THE CONSENT OF THE COUNTY COUNCIL. THE COUNCIL MAY CONSENT TO THE  
26 REMOVAL ONLY UPON THE AFFIRMATIVE VOTE OF AT LEAST FOUR COUNCIL

1 MEMBERS DURING LEGISLATIVE SESSION. THE CHIEF MAY BE REMOVED ONLY  
2 FOR CAUSE, INCLUDING BUT NOT LIMITED TO INSUBORDINATION,  
3 MISCONDUCT, OR THE FAILURE TO CARRY OUT THE DUTIES AND  
4 RESPONSIBILITIES OF THE OFFICE. UPON RECEIVING A REQUEST FROM THE  
5 COUNTY EXECUTIVE FOR CONSENT TO REMOVE THE CHIEF OF POLICE, THE  
6 COUNCIL SHALL HAVE 45 CALENDAR DAYS TO ACT ON THE MATTER. THE  
7 COUNCIL SHALL BE DEEMED TO HAVE REFUSED TO CONSENT TO THE PROPOSED  
8 REMOVAL IF IT FAILS TO ACT WITHIN THE 45 CALENDAR DAYS.

9 Section 2. And Be It Further Enacted, That before this Act  
10 becomes effective, it shall be submitted to a Referendum of the  
11 legally qualified voters of Harford County in accordance with  
12 Section 905 of the Charter of Harford County, Maryland, at the  
13 General Election to be held in November 1994. There shall be  
14 printed on the ballots or ballot labels used at this election a  
15 summary of this Act, and underneath the summary, on separate lines,  
16 a square or box to the right of and opposite the words, "For \_\_,"  
17 and a corresponding square or box to the right of and opposite the  
18 words, "Against \_\_," so that each voter may vote for or against  
19 the provisions of this Act. If a majority of the votes cast in the  
20 election are "For \_\_," the provisions of this Act shall become  
21 effective from and after the 30th calendar day following the  
22 election, but if a majority of the votes cast in the election are  
23 "Against \_\_," the provisions of this Act shall be of no effect and  
24 null and void.

25 Section 3. And Be It Further Enacted that, subject to the  
26 provisions of Section 2 of this Act and for the sole purpose of

1 providing for the Referendum therein required, this Act shall take  
2 effect 60 calendar days from the date it becomes law.

3  
4 EFFECTIVE: December 27, 1993  
5  
6  
7  
8

HARFORD COUNTY BILL NO. 93-59 (as amended)

(Brief Title) Charter Amendment - Police Department

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

James D. Vannoy  
Acting Secretary  
of the Council

Date October 12, 1993

**ENROLLED**

John D. DeLo  
President of the Council

Date October 12, 1993

**BY THE COUNCIL**

Read the third time.

Passed: LSD 93-26 (October 12, 1993)

Failed of Passage: \_\_\_\_\_

By Order

James D. Vannoy  
Acting Secretary

Sealed with the County Seal and presented to the County Executive for approval this 13th day of October, 1993 at 3:00 p. m.



James D. Vannoy  
Acting Secretary

**BY THE EXECUTIVE**

Charles M. Lehmann  
COUNTY EXECUTIVE

APPROVED: Date October 27, 1993

**BY THE COUNCIL**

This Bill (No. 93-59, as amended), having been approved by the Executive and returned to the Council, becomes law on October 27, 1993.

James D. Vannoy  
Acting Secretary

EFFECTIVE DATE: December 27, 1993